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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,436	08/14/2001	Charles Baker	53403-261769 LB-008	1501

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EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

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DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,436

Applicant(s)

BAKER, CHARLES

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-7, 11, 13-15, 19, 21-23, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Beyda et al. (U.S. Patent 6,404,873).

Regarding claim 1, Beyda et al. teach a call processor (sub conference call subsystem 30) configured to identify a plurality of call tunneling participants participating in a call tunneling session within a conference call session (first terminal 14 and sixth terminal 24), and to identify third parties within the conference call session not participating in the call tunneling session (other terminals 16, 18, 20, 22 – col. 4, lines 49-65); a call tunneling assistant (a data router 36) configured to route communications signals between the call tunneling participants to other call tunneling participants, but not routing the communications signals to the third parties (col. 3, lines 27-37 and col. 4, line 57 through col. 5, line 3).

Regarding claims 2, 6, 14, and 22, Beyda et al. teach the call tunneling assistant routes communications signals between the call tunneling participants through placing separate call (col. 4, line 66 through col. 5, line 3 – “second voice data 38”).

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Regarding claims 3, 7, 15, and 23, Beyda et al. teach the call tunneling assistant routes communications signals through the conference call session (col. 4, line 66 through col. 5, line 47).

Regarding claims 5 and 21, Beyda et al. teach receiving a call tunnel request from an initiating party within a conference party, the call tunnel request identifying at least one receiving party (Abstract, lines 1-6 and col. 4, lines 36-41); routing communications signals between the initiating party and the receiving party as a call tunneling session, and not routing communications signals to other conference call parties when the receiving party agrees to the call tunnel request (col. 4, lines 49-65).

Regarding claims 11 and 19, Beyda et al. teach the receiving party is a participant of the conference call session (the sixth terminal 24).

Claim 13 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Beyda et al. teach a computer readable medium encoded with data and instructions, the data and instructions causing an apparatus executing the instructions (Multipoint Control Unit 12, data mixer 34, data router 36).

Claims 25-27 are rejected for the same reasons as discussed above with respect to claims 1 and 13.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 8-10, 12, 16-18, 20, and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda et al. (U.S. Patent 6,404,873).

Regarding claims 4, 8-10, 16-18, and 24, Beyda et al. teach the data mixer is preferably configured to mix the second voice data in a call tunneling session ("in the sub conference") at a higher level than the first voice data in the main conference, so that parties to the sub conference call are able to discern conversations in the sub conference call more easily than the main conference call conversations (col. 5, lines 10-14). Therefore, it would have been obvious to modify the data mixer so that it is configured to mix the first voice data in the main conference at a lower level than the second voice data in the tunneling session or possibly mute the third party communication signals (the first voice data) within the call tunneling session in order to avoid the main conference interferes with the call tunneling session.

Regarding claims 12 and 20, Beyda et al. do not teach the receiving party is not a participant of the conference call session. It would have been obvious to one of ordinary skill in the art that the receiving party does not have the need to join the main conference call session yet, but the initiating party would like to have a private conversation with the receiving party.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bales et al. (U.S. Patent 5,373,549) teach a multi-level conference in which when the two conferences are combined together, each originator of a conference maintains control over their sub conference and can independently

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separate that sub conference from the other conference in a multi-level conference.

Fenton et al. (U.S. Patent 5,619,555) an audio conferencing system is provided whereby an audio conference participant interfaces with the system through a graphical user interface. Eaton et al. (U.S. Patent 5,483,588) teach a teleconferencing system having screened introductions, named introductions, roll call, talker identification, and sub conferencing, scheduling, and recording options.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen
April 15, 2004


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600